

**Amendments to Drawings:**

Replacement drawings to include amending Figure 1, 2, 3, and 4. Please substitute replacement drawings sheets for Figures 1, 2, 3, and 4 submitted with the application.

### **REMARKS**

Claims 1-15 are pending in the application.

#### **Drawing Objection**

The Examiner has objected the drawing filed on April 2, 2004. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 300, 400.

The Applicant has submitted replacement drawings rendering the objection moot.

#### **Claims Objection**

The Applicant has amended the claims rendering the objection moot.

#### **Claims Rejected Under 35 USC § 103**

Claims 1-4, 6-10, and 12-15 are improperly rejected under 35 U.S.C 103(a) as being unpatentable over Lin et al. (US 6,392,8560) in view of Andresen et al. (US 6,310,379) and Shau (US 6,323,045).

The Office has acknowledged that Lin et al. does not disclose that capacitor is formed by a thick native gate oxide of a transistor. The Office however, improperly, tries to correct the deficiency of Lin with Andresen and then Shau.

The Office suggest that Andresen discloses using a thick oxide gate of a transistor as capacitor and states that it would be obvious to use Andresen's transistor as the capacitor in Lin. The Office's reasons are that thick oxide gates are inexpensive and enduring.

The Office then acknowledges that Andresen's thick oxide gate is not a thick native gate oxide and improperly attempts to use Shau to provide a teaching. The Office suggest that it would be obvious to form the thick gate oxide of the transistor of Andresen as a native device in order to prevent leakage current through the thick gate oxide of the transistor. This motivation is improper for at least two fundamental reasons. First, leakage current is not a problem in thick gate oxides. Thick gate oxides suffer from low capacitance density, not leakage and thus there would be no motivation whatsoever to replace a thick gate oxide of a transistor with a thick native gate oxide of a transistor to prevent leakage. Secondly, replacing the thick gate oxide of Andresen with a thick native gate oxide defeats the motivation used in the first place for modifying Lin with the thick gate oxide. The thick native gate oxide of a transistor has not been shown as a less expensive and more durable alternative to the thick gate oxide or the capacitor of Lin for that matter. The modification of Andresen's gate to be formed out of a native device frustrates the original motivation and thus is improper.

The Combination of Lin, Andresen and Shau cannot render the claims unpatentable since the Office has failed to provide a proper motivation for the

combination. The motivation regarding leakage given for the use of Shau is incorrect and thus improper. Additionally, the motivation given for Shau contradicts that given for the use of Andresen. Therefore, the rejection is improper and must be withdrawn.

Claims 5 and 11 are improperly rejected as being unpatentable over Lin, Andresen and Shau and further in view of Chen.

The Addition of Chen et al. does nothing to obviate the deficiencies of Lin, Andresen and Shau as described above. As Claims 5 and 11 depend from independent Claim 1 and 8, they are patentable over Lin, Andresen and Shau without recourse to the additional patentable features recited therein. The rejection of Claims 5 and 11 must be withdrawn.

Claims 6, 12 and 15 are improperly rejected as being unpatentable over Lin, Andresen and Shau and further in view of Ramappa.

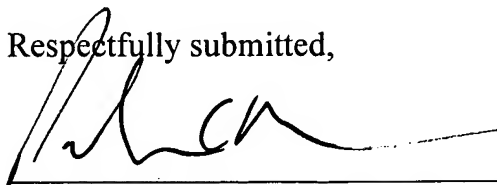
The Addition of Ramappa does nothing to obviate the deficiencies of Lin, Andresen and Shau as described above. As Claims 6, 12 and 15 depend from independent Claims 1, 8 and 13, they are patentable over Lin, Anderson and Shau without recourse to the additional patentable features recited therein. The rejection of Claims 6, 12 and 15 must be withdrawn.

**CONCLUSION**

There is simply no proper motivation to modify the thick gate oxide of the transistor of Andresen to a thick native gate oxide of the transistor of Shau in the context of the ESD circuit of Lin. Therefore, without a proper motivation, the rejection is improper and must be withdrawn. The Addition of Chen and Ramappa with respect to the dependent claims do nothing to obviate this deficiency. The application including Claims 1-15 is in condition for allowance and if the Examiner has any questions relating to this response or the application in general she is respectfully requested to contact the undersigned so that prosecution may be expedited.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. **04-1679** (Docket N1085-001702)

Respectfully submitted,



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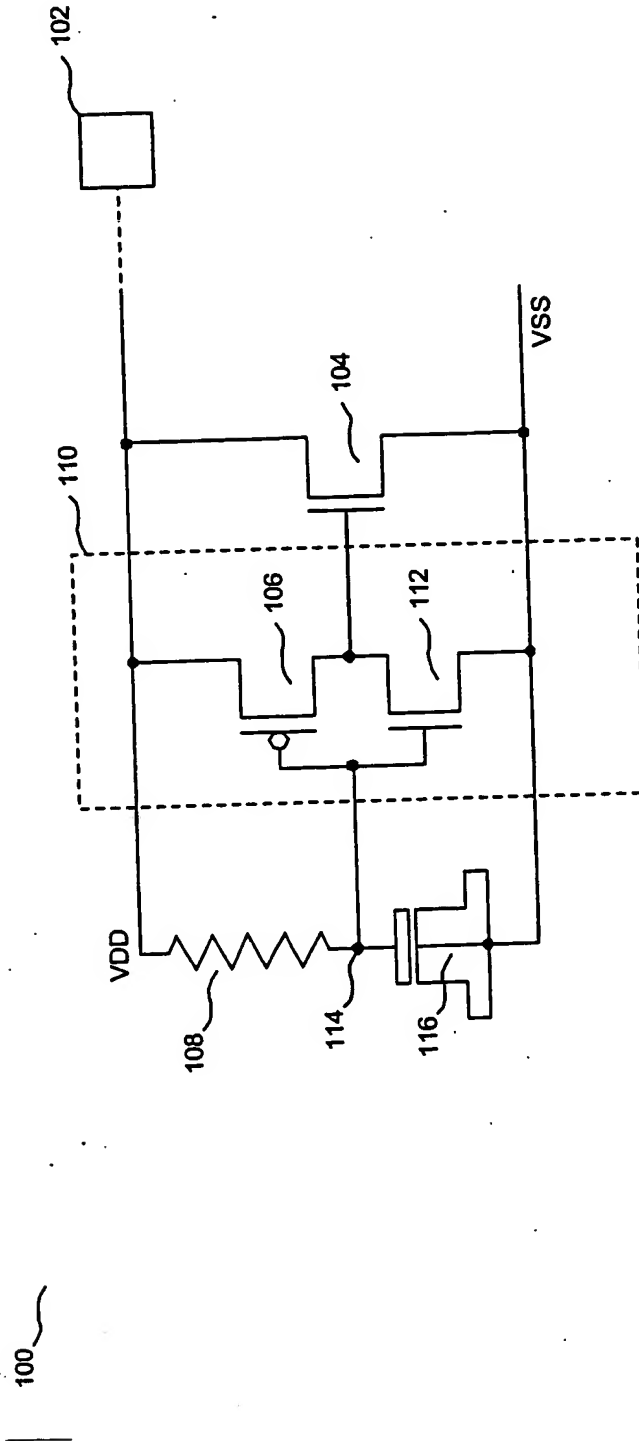


FIG. 1  
PRIOR ART

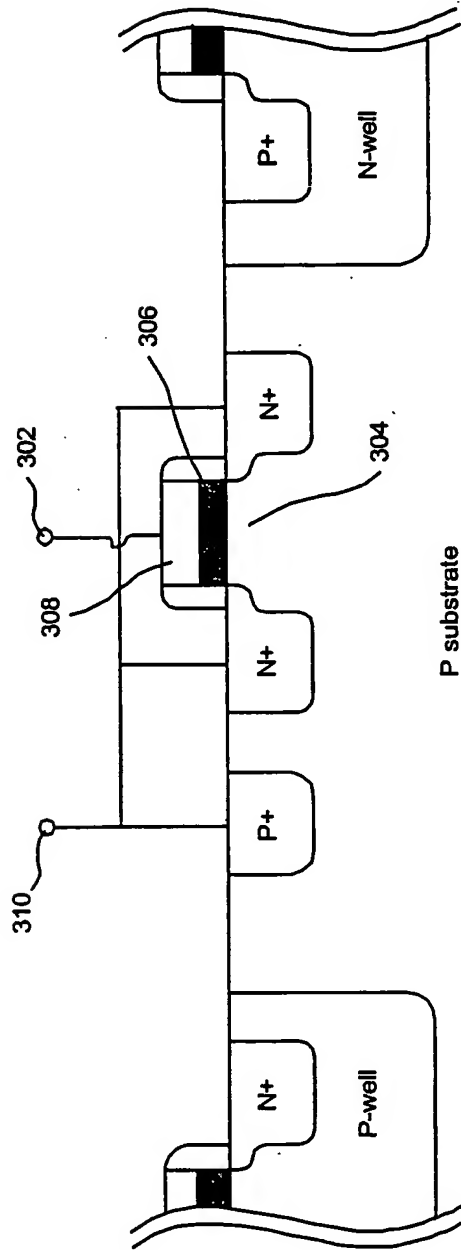


FIG. 3

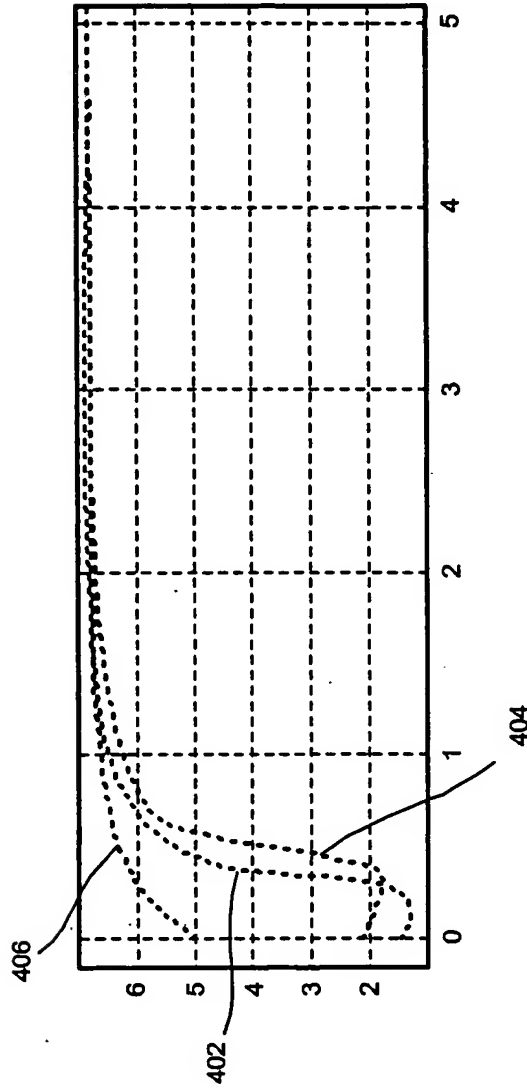


FIG. 4

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